

Mar-07-05

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T-857 P.003/030 F-549

EXHIBIT A

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,835	07/16/2003	Robert A. Marousck	17325	1997

26637 7590 07/20/2004

CNH AMERICA LLC
INTELLECTUAL PROPERTY LAW DEPARTMENT
700 STATE STREET
RACINE, WI 53404

EXAMINER

BIDWELL, JAMES R

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 07/20/2004

*due
10/20/04*

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
JUL 26 2004
CASE CORPORATION
INTELLECTUAL PROPERTY LAW

Office Action Summary

10/621,835

MATOUSEK ET AL

Examiner

Art Unit

James R Bidwell

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07-16-2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Application/Control Number: 10/621,835
Art Unit: 3651

Page 2

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bobrowski (U.S. Patent 5,094,334).

Bobrowski shows a first gear box 80 having a first input 90 connected to a rotatable power source 63 for rotation about a first axis and a first output 92 rotatable about a second axis angularly related to the first axis, a second gear box 81 having a second rotatable input 93 connected in rotatably driven relation to the first output for rotation about the second axis and a second output 95 rotatably drivable about a third axis angularly related to the second axis by rotation of the second input. Also shown is an elongate conveyor assembly 35 having it's first end connected to second output 95, a rotatable element 38 positioned within a housing 36, and the elongate conveyor is mounted such that's it's free end may be moved between raised and lowered positions. See Figures 1 and 2 and column 5, lines 44-60.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to James R Bidwell at telephone number (703)308-1144.

J.R.B.

James R. Bidwell
JAMES R. BIDWELL
PRIMARY EXAMINER
GROUP 3651
3651

7/15/04

EL938341247US

Sheet 1 of 1

FORM PTO-1449 (REV. 7-80) (Title Amended 3/83)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Attorney Docket No. 17325		Serial No.: 10/621,835							
INFORMATION DISCLOSURE STATEMENT BY APPLICANT- LIST OF ITEMS (Use several sheets if necessary)				Applicant Robert A. Matousek, et al.									
				Filing Date 7/16/03		Group 3651							
U.S. PATENT DOCUMENTS													
*Examiner Initial	Document Number							Date	Name	Class	Subclass	Filing Date If Appropriate	
J.R.B.	AA	3	3	4	7	3	5	0	10/17/67	Lindstrom et al.	198	119	
	AB	3	5	6	8	8	1	9	3/9/71	Mann	198	45	
	AC	3	6	6	4	5	2	5	5/23/72	Herbsthofer	214	17	
	AD	4	6	6	9	9	4	5	6/2/87	Pollard et al.	414	505	
	AE	5	1	8	4	7	1	5	2/9/93	Feteri	198	667	
	AF	5	4	0	9	3	4	4	4/25/95	Tharaldson	414	505	
	AG	5	4	9	8	1	1	9	3/12/96	Faivre	414	528	
J.R.B.	AH	6	0	4	2	3	2	6	3/28/00	Thomas et al.	414	502	
	AI												
	AJ												
	AK												
	AL												
FOREIGN PATENT DOCUMENTS													
	Document Number							Date	Country	Class	Subclass	Translation Yes No	
	AM												
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	AO												
	AP												
	AQ												
OTHER INFORMATION (including Author, Title, Date, Pertinent Pages, etc.)													
	AR												
	AS												
	AT												
	AU												
EXAMINER		J.R. Brindall							DATE CONSIDERED 7/15/04				
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.													

Notice of References Cited

10/621,835

Reexamination
MATOUSEK ET AL.

Examiner

James R Bidwell

Art Unit

3651

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,093,087	06-1978	DeCoene, Frans J. G. C.	198/668
	B	US-2,481,860	09-1949	MILLER ALFRED L	198/666
	C	US-4,875,820	10-1989	Lepp et al.	198/668
	D	US-5,094,334	03-1992	Bobrowski, Reinhold	198/668
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(e).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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